

**REMARKS**

Claims 5-8 and 12-14 are all the claims pending in the application. By this Amendment, Applicant cancels claims 1-4 and 9-11.

**I. Specification:**

Applicant amends the second full paragraph of page 11 of the specification to correct the typographical error noted by the Examiner.

**II. Claim Rejection Under 35 U.S.C. § 112(2<sup>nd</sup>):**

The Examiner rejects claims 5-14 under 35 U.S.C. § 112(2<sup>nd</sup>) because claims 5, 8, 9, 12, and 13 recite terms that lack antecedent basis, are confusing, and are redundant.

With respect to claim 5, Applicant deletes many occurrences of the term “the” in favor of --a-- or --an-- to provide proper antecedent basis. For example, Applicant amends the preamble to recite “An” engine muffler. Applicant also amends claim 5 to recite that the second expansion chamber has a --chamber gas outlet aperture-- (as opposed to an “exhaust gas outlet aperture”) to remove the redundancy of terms noted by the Examiner.

Applicant implements similar amendments to claims 8, 9, and 12 to address the Examiner’s concerns.

With respect to claim 8, Applicant deletes the term “to manufacture” (which is directed to a process) since the preamble of the claim is directed to an apparatus.

With respect to claim 12, Applicant deletes the term “catalyst” to make the claims internally consistent. More specifically, claim 12 (as originally presented) required a catalyst,

while claim 13 (which depends from claim 12) recites that a catalyst is not applied. In any event, the proposed amendments to claim 12 avoid the redundancy of terms noted by the Examiner with respect to claim 13.

Finally, Applicant implements numerous other amendments that are believed to place the claims in an American format, and improve the clarity of the claims.

Applicant respectfully assert that the amended claims more particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming the raised rejections under 35 U.S.C. § 112(2<sup>nd</sup>).

### **III. Allowable Subject Matter:**

The Examiner indicates that claims 5-8 and 12-14 would be allowable if rewritten to overcome the § 112(2<sup>nd</sup>) rejections. Applicant believes that the proposed amendments (discussed above in section II) obviate the raised § 112(2<sup>nd</sup>) rejections, and therefore the Examiner should allow claims 5-8 and 12-14 in the next Patent Office paper.

### **IV. Claim Rejections on Prior Art Grounds:**

The Examiner rejects claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,738,184 to Masuda et al. ("Masuda"); claims 2 and 4 under 35 U.S.C. § 103(a) as being obvious over Masuda; claim 3 under 35 U.S.C. § 103(a) as being obvious over Masuda in view of U.S. 4,890,690 to Fischer et al. ("Fischer"); and claims 9-11 under 35 U.S.C. § 103(a) as being obvious over U.S. 6,250,275 to Funakoshi et al. ("Funakoshi") in view of Fischer.

AMENDMENT UNDER 37 C.F.R. § 1.111  
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As a path of least resistance, and without acquiescing to the correctness of the Examiner's rejection positions, Applicant cancels claims 1-4 and 9-11, thereby rendering the raised rejections moot.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

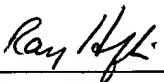
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